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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/490,783

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Richard C. Johnson

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10/06/2006

YOUNG LAW FIRM, P.C.

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,783

Applicant(s)

JOHNSON, RICHARD C.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 7/19/06, the following has occurred: no claims have been amended, added, nor canceled. Now, claims 1-4, 7-10, and 13-16 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shub et al., U.S. Patent No. 6,807,530 in view of Kadaba, U.S. Patent No. 6,539,360.

4. As per claim 1, Shub teaches a method for a bank to enable anonymous shipment by a shipper of a package containing goods purchased by a customer from a vendor for delivery to an address unknown to the vendor, the customer maintaining an account at the bank, the bank storing an address associated with the customer's account, the method comprising the steps of: the bank receiving an electronic draft from the customer for the purchase of goods along with a request for a package code for the package (see column 4, lines 40-46); the bank authenticating the customer and guaranteeing payment to the vendor on the draft only if the customer is authenticated and bank-imposed restrictions are met (see column 4, lines 43-46); if the customer is authenticated and bank-imposed restrictions are met, the bank generating the requested package code, the package code being devoid of delivery address information (see column 4, lines 49-54, i.e. x1); the bank sending the generated package code to the vendor, wherein the bank does not send any delivery address information for the package to the vendor

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(see column 5, lines 15-20); the bank generating a shipping identifier (i.e. x2) for the package that is associated with the generated package code and retrieving the stored address associated with the customer's account (see column 5, lines 31-34); and the bank sending the generated shipping identifier and the retrieved address associated with the customer's account at the bank to the shipper to enable the shipper, after picking up the package for shipment from the vendor, to associate the package code sent to the vendor with the shipping identifier, to identify the associated address as the delivery address of the package, and to ship the package directly from the vendor to the delivery address without divulging any delivery address from the package to the vendor (see column 5, lines 48-61).

5. Shub does not explicitly indicate whether or not the carriers and clearing houses need to be operated by different companies. However, it is respectfully submitted that it is old and well known in the art of shipping that shipping companies often employ multiple carriers and clearing houses to distribute shipped packages throughout a country and worldwide. In particular, Kadaba teaches a method for shipping packages via multiple carriers (i.e. delivery vehicles) and multiple clearinghouses (i.e. service centers and hubs). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this shipping architecture into the method of Shub such that the payment agency need only communicate with a single "shipper" (in the case of Kadaba, UPS). One of ordinary skill in the art would have been motivated to incorporate this architecture for the purpose of implementing the method of Shub within existing commercial distribution channels, which merchants are already familiar such as UPS (see column 1, lines 65-67 of Shub).

6. As per claim 2, Shub in view of Kadaba teaches the method of claim 1 as described above. Shub further teaches the package code includes at least one of a code number and machine-readable indicia expressing the code number (see column 4, lines 49-51).

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7. As per claim 3, Shub in view of Kadaba teaches the method of claim 1 as described above. Shub further teaches the received request includes at least one of a request for authentication and an electronic draft for payment of at least one of the purchased goods and a shipping charge (see column 4, lines 40-46).

8. As per claim 4, Shub Kadaba teaches the method of claim 1 as described above. Shub further teaches the receiving and sending steps are performed over a computer network (see column 1, lines 53-59).

9. Claims 7-10 and 13-16 recite substantially similar limitations, from the perspective of the shipper and vendor respectively, to claims 1-4, which is from the perspective of the bank.

Therefore, claims 7-10 and 13-16 are rejected for similar reasons as given above.

Response to Arguments

10. In the remarks filed 7/19/06, Applicant argues in substance that Shub fails to teach certain communications that occur between a bank and a shipper and fails to teach shipping the package directly from the vendor to the delivery address.

11. In response to Applicant's arguments, the Examiner has relied upon a new grounds of rejection in view of Kadaba. It is respectfully submitted that the combination of Shub and Kadaba teaches these features and, therefore, these arguments are now moot in view of the new grounds of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

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13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/2/06


C. LUKE GILLIGAN
PATENT EXAMINER